THE HONOURABLE SMT. JUSTICE T. MEENA KUMARI

AND

THE HONOURABLE SRI JUSTICE P. LAKSHMANA REDDY

WRIT APPEAL No.1368 of 2000

Dt: 29-07-2005

M.Ram Reddy, S/o M.Raghava Reddy,

Occ: Mechanical Coalman, OCP-III, charge Hand HMS Union,

Office D-2156, Tilaknagar,

Godavari Khanni, Kharimnagar District.

…Petitioner

General Manager

Ramagundam Area III,

Godavari Khanni, karimnagar District and another

…Respondents

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THE HONOURABLE SMT. JUSTICE T. MEENA KUMARI

AND

THE HONOURABLE SRI JUSTICE P. LAKSHMANA REDDY

WRIT APPEAL No.1368 of 2000

JUDGMENT: (per Smt. T. Meena Kumari,J)

This writ appeal is filed by the appellant/writ petitioner aggrieved by the order of the learned single Judge dated 15.7.2005 in W.P.No.14612 of 2005.

The writ petition was filed by the appellant questioning the notice issued by the 2nd respondent vide Proceedings No. OCP3CHP/213/900, dated 15.6.2005 as illegal, arbitrary and to quash the same.

The facts in brief are that by the notice impugned in the writ petition the appellant was asked to retire by 31.7.2005. The grievance of the appellant is that his date of birth is 25.1.1947 and he is entitled to be continued till he attains the age of superannuation, i.e, upto 2007. Assailing the said notice, he filed the writ petition. It is the case of the appellant that he had passed S.S.C. examination in the year 1973 and in the said Certificate, appellant's date of birth was shown as 24.1.1947. He, therefore, sought to contend that even as per the said Certificate, he had to retire only in the year 2007.

A learned single judge of this Court, on consideration of the claim of the appellant and on perusal of the records found that the case of the appellant was referred to the Medical Board for determination of his age and thereafter the Medical

Board on examining the appellant determined the age of the appellant as 21 years as on the date of his appointment. Admittedly, appellant has not produced any such documentary evidence before the Medical Board. Therefore, even according to the Medical Board, the appellant had to retire by 2004. The learned single judge also observed that appellant's case was also referred to the Area Age Determination Committee and the said Committee also through its proceedings dated 7.7.2004, determined the age of the appellant as 59 years as on 7.7.2004. Therefore, even according to the said Committee, the appellant had to retire by 7.7.2005. Appellant has not produced any documentary evidence or educational certificates before the said Committee, in support of his claim. Further, he had given an undertaking before the said Committee that he would accept the age as determined by the said Committee. In those circumstances, the learned single judge found that the appellant is not entitled for the relief sought for in the writ petition.

We, therefore, do not find any illegality or irregularity in the order of the learned single judge warranting interference. The writ appeal fails and the same shall accordingly stand dismissed. No costs.

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T. MEENA KUMARI,J

Date: 29th July, 2005

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P. LAKSHMANA REDDY,J

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